

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

**RE: PETITION OF TOWNS OF AQUINNAH, BARNSTABLE,
BOURNE, BREWSTER, CHATHAM, CHILMARK, DENNIS,
EASTHAM, EDGARTOWN, FALMOUTH, HARWICH, MASHPEE,
OAK BLUFFS, ORLEANS, PROVINCETOWN, SANDWICH,
TISBURY, TRURO, WELLFLEET, WEST TISBURY,
AND YARMOUTH AND COUNTIES OF BARNSTABLE
AND DUKES (acting together as the CAPE LIGHT COMPACT)
FOR APPROVAL OF AGGREGATION PLAN
DTE 00-47**

**COMPACT'S RESPONSE TO COMMONWEALTH ELECTRIC COMPANY'S
PETITION TO INTERVENE**

The twenty-one towns and two counties that comprise the Cape Light Compact ("Compact"), the petitioners in this case, hereby respond to the Petition to Intervene of Commonwealth Electric Company ("Company") and Notice of Claim for an Adjudicatory Proceeding. As more fully explained below, the Compact does not oppose granting the Company limited intervention status, and asks that the Department sever and defer any proceedings on the bill access issue which forms the basis of the Company's Petition.

THE COMPACT DOES NOT OPPOSE THE DEPARTMENT GRANTING THE COMPANY LIMITED INTERVENTION STATUS

The Compact does not oppose the Department granting the Company intervenor status on the sole issue of the Compact's request for limited access to the Company's bill envelopes. See Compact "Petition," pp. 6-7 (Vol. I, Tab 1 of the Initial Filing)(Compact's request). The Company has not articulated any other issue which would require the Department to grant the Company intervenor status or offer it adjudicatory proceedings. [\(u\)](#) As required by 220 C.M.R. 1.03(1), the Company has stated how it believes it will be "specifically affected by the proceeding" and "the contention of the petitioner." Its contentions are limited solely to bill access, and its intervention should be commensurately limited.

The Department has "broad discretion" to limit interventions. *Robinson v. D.P.U.*, 835 F.2d 19 (1st Cir. 1987)("The S.J.C. has held over and over again that under this statute [G.L. c. 30A, §10], the D.P.U. has broad discretion to limit intervention."). It should exercise that discretion here because no other party has sought intervention status and even the Company seeks to address only one issue. By limiting the Company's scope of intervention, the Department will be able to expeditiously address all other issues in this case.

THE DEPARTMENT SHOULD SEVER AND DEFER PROCEEDINGS ON THE BILL ACCESS ISSUE

The Compact requests that the Department sever and defer any adjudicatory proceedings it may allow on the issue of access to the Company's billing envelopes. The Compact's power supply program calls for phasing in service to the several customer classes between December 2000 and September 2002. In the first phase, the Compact's supplier will be serving a relatively small number of the large business accounts and some of the municipal accounts. "Electric Supply Agreement," Compact's Initial Filing, Vol. I, Tab 4, Exh. A ("Exhibit A"). The Compact can easily meet its obligations to provide this limited number of customers the notice required by law (G.L. c. 164, §134) through direct mail. The Compact's supplier is not scheduled to provide service to most commercial customers until September 2001 and to residential customers until September 2002. Exhibit A. The Compact therefore does not need a decision on its request for access to the billing envelopes on the same time frame as the overall decision on its Aggregation Plan. Therefore, the Department can and should decide this issue on a separate schedule from all other issues regarding the Compact's Aggregation Plan.

CONCLUSION

The Compact does not oppose the Department granting the Company limited intervention status as described above. The Compact asks the Department to sever and defer the issue of access to the Company's billing envelopes.

Respectfully submitted,

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1. In fact, the Company itself notes that "at this time, [it] seeks to adjudicate only the [bill access] issue outlined above." Petition, p. 3, n. 2.